REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-42 are presently pending in the present application.   Claims 1, 2, 7, 8, 10, 11, 17, 19-23, 26-28, 32, and 37-39 have been amended by way of the present Amendment.   No new matter is introduced by this amendment.   (See, e.g., page 2, line 15, through page 3, line 2.)

In the outstanding Office Action, the disclosure was objected to for minor informalities; claims 1-13, 15-17, 21, 23, and 25-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Raiz et al.* (U.S. Pub. No. 2002/0164025 A1) in view of *Kolakowski* (WIPO Pub. No. 02/49732 A1); claim14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Raiz et al.* in view of *Kolakowski* and further in view of *Kim* (WIPO Pub. No. 01/72064 A1); claims 18, 19 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Raiz et al.* in view of *Kolakowski* and further in view of *Meyer* ("TCP performance over GPRS, in proc Wireless Communication and Networking Conference, 1999, WCNC, 1999 IEEE, vol.3); and claims 20 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Raiz et al.* in view of *Kolakowski* and further in view of *Soliman* (U.S. Pat. No. 6,785,249 B2).

With respect to the objection of the disclosure, the Applicants have amended the specification to include headings similar to those suggested in the Office Action.   Accordingly, the Applicants respectfully request the withdrawal of the objection.

Regarding the rejection of independent claims 1, 27, 32, 37, and 39 under 35 U.S.C. §103(a), the Applicants respectfully request the withdrawal of the obviousness rejections for the reasons set forth below.

MPEP §2141 notes that the Patent Office bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP §2142 further notes that "[t]o reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made. .... Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences," conduct the search and evaluate the "subject matter as a whole" of the invention. .... However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art."

The Applicants submit that the Office Action fails to establish a *prima facie* case of obviousness for the claims as they are set forth herein, since there is no evidentiary support for the conclusion that the features recited in the claims were known at the time of the present invention. Accordingly, the Applicants request that such evidentiary support be placed on the record, or the obviousness rejections withdrawn.

Independent claim 1 recites a method comprising, among other features, detecting, at a mobile terminal device, a user input directed to start execution of an application on said mobile terminal device, and initiating a message to a surveillance center, wherein **said message indicates that the application has been started**, and wherein **the message is initiated after a predetermined period of time has passed since the application was first started or after a predetermined number of input actions has been input to the application**. Independent claim 27 recites a method comprising receiving a message from a mobile terminal device at a surveillance center, said message comprising application execution related data, wherein **the message indicates that the application has been started**, and wherein **the message is initiated**

after a predetermined period of time has passed since the application was first started or after a predetermined number of input actions has been input to the application. Independent claim 32 recites a mobile terminal device comprising, among other features, a radio interface to a communication network for notifying the execution of said application to a surveillance center connected to said communication network by **sending a message indicating that an application has been started**, and **wherein the message is initiated after a predetermined period of time has passed since the application was first started or after a predetermined number of input actions has been input to the application**. Independent claim 37 recites a surveillance center comprising, among other features, an interface to a mobile communication network for receiving messages comprising application execution related data from a mobile terminal device, wherein **each message of the messages indicates that an application has been started**, and wherein **the message is initiated after a predetermined period of time has passed since the application was first started or after a predetermined number of input actions has been input to the application**. Independent claim 39 recites an application execution system comprising, among other features, a mobile terminal device comprising a radio interface to a communication network for notifying the execution of said application to a surveillance center connected to a communication network by **sending a message indicating that an application has been started**, and wherein **the message is initiated after a predetermined period of time has passed since the application was first started or after a predetermined number of input actions has been input to the application**. The Applicants submit that the applied art fail to disclose or suggest all of the above limitations of independent claims 1, 27, 32, 37, and 39.

The Office Action combines *Raiz et al.* and *Kolakowski* to reject the independent claims. The Office Action cites *Raiz et al.* for the teaching of all of the features of the independent claims with the exception of the teaching of the mobility of a terminal, for which *Kolakowski* is cited.

Raiz et al. describes methods for managing usage and procurement of software. Specifically, it describes methods of distributing software with no charge, which contain at least two modes; a demonstration mode and a subscription mode. "In the case of demonstration mode ... the software key is generated locally by the licensing enforcement software." (*See,* e.g., paragraph [0033].) The license enforcement software is run by the user computer. (*See,* e.g., paragraph [0029].) In subscription mode, communication with a license server to receive a license key is required. In initial subscription mode, a user is not able to execute the application before the user registers and a software license key is issued. (*See,* e.g., paragraphs [0036]-[0042].) In ongoing subscription mode, when the user starts the application, the user's computer is fingerprinted, and the license key is decrypted and validated. (*See,* e.g., paragraph [0048].) "If the license key has expired, the application connects to the license server without prompting a user; and it passes the computer fingerprint to the license server and requests a new license key." (*See,* e.g., paragraph [0048].) In other words, in the demonstration mode, *Raiz et al.* does not require sending a message to a license server, but generating a key by utilizing the licensing enforcement software stored in the users' computer, and in subscription mode the condition to connect to the license server is an expiration of a license key.

The Applicants submit that *Raiz et* al. does not disclose or suggest initiating or sending a message to a surveillance center, wherein **said message indicates that the application has been started**, and wherein **the message is initiated after a predetermined period of time has passed since the application was first started or after a predetermined number of input**

actions has been input to the application, in the manner recited in the various independent claims. *Raiz et al.* does not disclose or suggest a message that indicates that an application has been started. To the contrary, *Raiz et al.* describes passing a computer fingerprint to a license server, and requesting a renewed authorization key, but neither of these teachings discloses or suggests **a message that indicates that an application has been started**, in the manner recited. Furthermore, *Raiz et al.* does not disclose or suggest initiating such a message **after a predetermined period of time has passed since the application was first started or after a predetermined number of input actions has been input to the application**. *Raiz et al.* discusses the use of a grace period and alerting the user to renew the registration at the end of the grace period and reverting to demonstration mode if such a renewal is not issued. However, *Raiz et al.* does not discuss initiating or sending a message to a surveillance center after such time.

Additionally, the Applicants submit that *Kolakowski* fails to supplement the above noted deficiency in the teachings of *Raiz et al.*

Kolakowski describes a method and an apparatus for mobile multi-player interactive game playing and other interactive data activities. Playing multi-player interactive games requires large amounts of data on mobile devices, although resources of mobile devices are limited inherently. To solve this problem, *Kolakowski* describes a development of "a mobile multi-player computer game device that was mobile, would use less redundant downstream (server to user) transmission, and would not be dependent upon Internet congestion" (page 2 lines 31-33). In addition, *Kolakowski* states that "the host server computer broadcasts updates to the entertainment software and perhaps transmits software encryption keys to authorize the wireless remote entertainment systems to operate for a predetermined time or amount of usage, or

activates an otherwise located system to operate permanently" (pages 3 lines 22-29).   However, this reference merely describes that the host server computer is able to transmit software encryption keys, but does not disclose in what situation and on what condition the key is transmitted.   Also, *Kolakowski* does not disclose or suggest **a message that indicates that an application has been started**, in the manner recited, or initiating such a message **after a predetermined period of time has passed since the application was first started or after a predetermined number of input actions has been input to the application**.   Therefore, *Kolakowski* does not cure the deficiency of *Raiz et al.*

Accordingly, the Applicants submit that the applied references, either when taken singularly or in combination, fail to disclose or suggest all of the limitations recited in independent claims 1, 27, 32, 37 and 39.   Thus, the Applicants respectfully request the withdrawal of the obviousness rejections of the independent claims.

The dependent claims are considered allowable for the reasons advanced for independent claim from which they respectively depend.   These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

Therefore, the present application is in condition for allowance.   Favorable consideration is respectfully requested.   If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9957 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made.   Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account 504213 and please credit any excess fees to

such deposit account.

Respectfully Submitted,

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